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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,785	01/26/2004	Frank V. Linker II	23104.PUS	9757

7590 08/21/2006

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,785	Applicant(s) LINKER ET AL.	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed October 26, 2005, and April 20, 2006, have been carefully considered and are persuasive. Therefore, the claim rejection has been withdrawn. However, the arguments are moot in view of a new ground of rejection. A non-final office action follows as below.

Claim Objections

2. Claims 4,5,7, and 8 are objected to because of the following informalities: in claim 4, line 2, the word "an" before "impeller" should be changed to -- said fan --, in claim 5, line 3, the word "face" should be changed to -- surface --, claim 7, line 12, the word -- for -- should be inserted before "gently supporting", and claim 8, line 8, the word "an" before "intake orifice" should be changed to -- said --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5,7, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the bottom pick-up face" (claim 7, lines 5-6), "the pickup surface" (claim 2), "the gap" (claim 4), "the compartment for the impeller" (claim 5), or the "bottom pick-up face" (claim 8, lines 8-9).

Moreover, the recited phrase "whereby a low vacuum is distributed over a wide area to provide a good uniform gentle more even lifting force" (claims 7 and 8, last two lines) is vague and indefinite because it is unclear where "the low vacuum is distributed over a wide area".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2,3,7, and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kuma (4,735,449).

Kuma (4,735,449) discloses a vacuum pickup device for handling a plate (8) comprising: a generally flat paddle member (11d of Fig. 8 or 11f of Fig. 13) having a pickup face with a peripheral edge and a planar top surface, an intake orifice (1f) in the bottom pick-up surface of the paddle; a fan impeller (18) for drawing air through said intake orifice which creates a first vacuum and a primary lifting force of a predetermined magnitude on the pickup surface, and a delivery pipe (3d) and a stopper (12d), which can be considered as mean for directing the air over the top surface thereby creating an additional secondary vacuum at the periphery of the paddle to provide an additional secondary lifting force gently supporting the plate (8) on the pickup face whereby a low vacuum is distributed over a wide area to provide a good uniform gentle more even lifting force. Note that figures 9-14 also show mean for directing the air over the top surface thereby creating an additional secondary vacuum at the periphery of the paddle to provide an additional secondary lifting force gently supporting the plate.

Re claim 2, figures 10,12,14,16, and 18 show a pattern of grooves on the pickup surface.

Re claim 3, figure 17 shows a U-shaped channel (1a,1b) on the pickup face.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuma (4,735,449) in view of Dicke (4,381,628).

Kuma (4,735,449), as presented above, does not show a motor to activate or deactivate the fan. However, Dicke (4,381,628) teaches a motor (28) to activate or deactivate the fan (48). Accordingly, it would have been obvious to those skilled in the art to provide a motor on the housing of Kuma (4,735,449) as taught by Dicke (4,381,628) to activate or deactivate the fan (18).

Re claim 5, figures 5,6,8,14,15, and 17 of Kuma (4,735,449), as best understood, show a compartment for the fan impeller.

Response to Arguments

9. Applicant's arguments with respect to claims 2-5,7, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roth (3,523,707) discloses a vacuum pickup device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PAUL T. CHIN
Examiner
Art Unit 3652